

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT TEXAS

HOUSTON DIVISION

United States District Court  
Southern District of Texas  
FILED

MAY 18 2020

David J. Bradley, Clerk of Court

DWIGHT RUSSELL, et al.

v.

H-19-226

HARRIS COUNTY, TEXAS, et al.

JASON CALLICOTTE'S UNSWORN DECLARATION

I, JASON COLBY CALLICOTTE SPN # 01401470, being presently incarcerated in the Harris County Jail at Houston TEXAS, do hereby declare under penalty of perjury that the following declaration is true and correct as to all facts and allegations contained therein:

I. my name is JASON COLBY CALLICOTTE and I am 43 years old. On September 14, 2018 while in Chambers County Jail in Chambers County, Texas, for a charge of unauthorized use of a motor vehicle (uvmv) I was magistrated pursuant to a robbery charge in Harris County, TEXAS and my bond was set at \$888,888 without any counsel present.

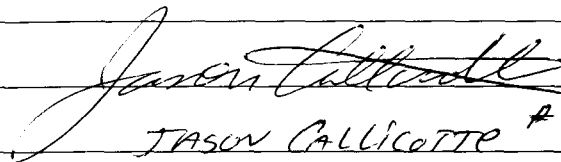
II. ON DECEMBER 5 2018 I was transported from Chambers County to Harris County Jail after the uvmv charge was dismissed. Upon magistration in Harris County on December 5, 2018 an order denying bail was entered by magistrate Judge Constance Spence and remained in effect until November 11, 2019 at which time my bail was arbitrarily set by the Honorable Hazel B. Jones at \$65,000. I am indigent and can not afford secured money bail in any amount.

III. upon bail hearing on May 5, 2020, pursuant to an emergency motion for personal bond due to Covid-19 pandemic, my bail was reduced from \$65,000 to \$20,000 in the robbery charge and left at \$5,000 in a separate charge of credit card abuse. Personal bond was opposed by the district attorney and denied by the judge although I testified to the fact that I have chronic liver disease and hypertension, conditions which make me vulnerable to COVID-19.

IV. ON April 28, 2020 I filed an application for a subpoena of my medical records from Harris County Jail so that I could show the above medical conditions to the 174th District Court of Harris County (174th). My medical records have not yet been produced, and as such Hazel B. Jones refuses to find that I suffer from chronic liver disease. She did, however, say that if I show I suffer from liver disease she will consider a personal bond more closely. I have filed at least three applications for subpoena of those medical records since April 28, 2020 and they have yet to be produced. Meanwhile, the confirmed positive cases has exploded and nears or surpasses 1000 cases with at least two COVID-19 related deaths. At this rate it is not a matter of "if" I will contract the disease, but "when." With my medical conditions the likelihood of death or hospitalization is high.

elsewhere. These are not normal times and my life is in danger.

Executed at Houston, Texas on 5/13/2020

  
JASON CALlicOTTE # 01401470

1200 BAKER ST.

HOUSTON, TEXAS

77002

SOUTHERN DISTRICT TEXAS

HOUSTON DIVISION

MAY 18 2020

David J. Bradley, Clerk of Court

Dwight Russell, et al.

v.

CIVIL ACTION NO. H-19-226

Harris County, TEXAS, et al.

JASON CALLICOTT'S PETITION FOR WRIT OF HABEAS CORPUS  
PURSUANT TO TITLE 28 U.S.C. SECTION 2241

I. The petitioner is now in the custody of Respondent Ed Gonzales, Sheriff of Harris County, Texas pursuant to a \$20,000 surety bond and \$5,000 surety bond required by Respondent JUDGE HAZEL B. JONES presiding over the 174<sup>TH</sup> JUDICIAL DISTRICT (174<sup>TH</sup>) of Harris County, TEXAS.

II. Petitioner is being deprived of constitutional rights to due process, equal protection and the right to prepare a defense to the criminal allegations against him.

14<sup>TH</sup> Amend - Due Process (Deliberate Indifference)

III. Respondent Sheriff Ed Gonzales and the rest of his administration are failing to take effective preventive measures to mitigate the spread of COVID-19 in the Harris County jail. Employees are not following personal protective equipment protocols or social distancing, at all. Investigation by a neutral third party will prove this. Furthermore, detainees are not being quarantined and otherwise housed in accordance with Center for Disease Control

Evidence. There are 'quarantines' in place, but they are only effective in their name. The schemes presented by CDC are not being followed in the slightest. Specifically, "cohorting" and "quarantining" are not being practiced at all in relation to the CDC definition of these words (cohorting and quarantining). Detainees are not being given antibacterial soap or hand sanitizer for hygiene. There are no tissues or hand-drying machines available for hand-drying for the detainees. Regular scheduled cleaning of areas is not being enforced and there is no communication to the inmates as to proper preventive measures that we ~~can~~ take, ~~nor~~ communication about the symptoms of COVID-19. People with underlying medical conditions which make them vulnerable to COVID-19 are not being screened or separated in anyway from those who are not vulnerable. Petitioner has severe underlying conditions, chronic liver disease and hypertension.

#### 14TH AMEND - EQUAL OPPORTUNITY

IV. Petitioner is being held pursuant to a surety bond of \$20,000 and \$5,000 and is only detained due to his lack of funds to post a secured money bail. He has had an emergency bail hearing in regard to his medical vulnerability to COVID-19 but Respondent HAZEL B. JONES refused to grant personal bond. Petitioner has attempted to subpoena his medical records

from Harris County Jail in order to show that he has those conditions, but Harris County has thus far refused to comply with the request for subpoenas. Petitioner is pro se in all criminal allegations against him.

6<sup>TH</sup> Amend/14<sup>TH</sup> Amend Right to Defense

V. Petitioner is pro se in all criminal allegations against him. See attached order granting pro se status incorporated herein as exhibit "A." Harris County Sheriff's Office closed all inmate access to the jail's law library on March 25 2020 as a prevention measure in response to COVID-19. Petitioner has important discovery materials stored in the law library (body cam footage, video surveillance, audio witness statements, etc.) which he can only view or listen to while in the law library and using law library computers. Petitioner also needs access to the law library to perform tasks such as legal research and preparation of legal pleadings in the defense of the allegations against him. Petitioner is housed ~~in~~ a crowded, cramped, noisy dorm with 25 other people and this is a severe impediment to his ability to prepare a defense.

VI. Petitioner has exhausted all administrative (state) remedies in regard to access to the law library and proper preventive measures

in regard to covid-19. See attached grievance (exhibit B)(C) receipts # 32245, #32473 (law library) and grievance receipts for grievances #32172, #32364, #32371, #32524, #32577, #32663, #33014, #33070 (covid-19) are not obtainable by petitioner at this time. Please note that #32473 is an appeal (deemed unfounded) in regard to the law library therefore exhausted and several of the grievances in regard to covid-19 are appeals which were deemed unfounded, therefore exhausted. Petitioner has had a bail hearing requesting a personal bond due to his underlying medical conditions and risk of contracting a potentially fatal disease (covid-19), in which Respondent Hazel B. Jones refused to grant a personal bond. Petitioner has ~~been~~ filed a request for habeas relief under Article 11.25 of TEXAS Code of Criminal Procedure with Respondent Hazel B. Jones and a hearing is scheduled for May 26 2020 in regard to that. Petitioner has thus far been unable to subpoena his medical records from Harris County Jail in order to show his medical conditions although he has attempted on several occasions. See request for subpoenas attached as exhibits D and E.

Please see Petitioner's Declaration attached as exhibit "F."

Prayer

A. This court issue a writ of habeas corpus directed to Ed Gonzales, commanding him



to produce the body of the petitioner before this Court at a time and place specified in the writ.

B. This Court conduct a hearing on the deprivations of the prisoners constitutional rights as set out in this petition and following that hearing;

Dear Clerk,

Enclosed is Petitioner Jason Callicotter's petition for writ of Habeas Corpus, to be filed in Russell v. Harris County H-19-226.

FILED  
MAY 18 2020  
David J. Bradley, Clerk of Court

Petitioner is filing writ because he is in danger of severe illness and/or death and the only reason he is detained in these conditions to await trial is because he is too poor to pay a secured money bond.

Please file this in H-19-226 and any other cause of action (new?) available. Petitioner is at a severe risk of contracting COVID-19 and can do nothing to prevent it and there is nothing he can do about it. Please cause this petition to be heard by judge as soon as possible.





Cause No. 159893801010

The State of Texas

v.

CALLICOTTE, JASON COLBY, Defendant

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In the 174th District Court  
Harris County, Texas

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**Faretta Warnings  
Waiver of Court Appointed Counsel  
Court Findings and Order Allowing Defendant to Proceed Pro Se**

The defendant has expressed a desire to represent himself / herself. If a defendant properly asserts his / her right to self-representation, then the record must show that he / she knowingly and intelligently waived his /her right to counsel after being made aware of the dangers and disadvantages of self-representation. See *Faretta v. California*, 422 U.S. 806, 835 (1975).

The Court informed the defendant that, while he / she may waive the right to counsel and insist on self-representation, he / she may not obstruct the orderly procedure in the courts or interfere with the fair administration of justice. See *Webb v. State*, 533 S.W.2d 780, 784 (Tex. Crim. App. 1976).

The Court inquired as to the accused's age, background, education, and experience, including legal experience.

The Court informed the accused of 1) the general nature of the offense charged and the possible penalties; 2) that there are technical rules of evidence and procedure with which he will be obligated to comply; 3) that he / she will not be given special consideration because of his / her lack of legal training or legal experience; 4) he / she has no right to standby counsel. See *Scarborough v. State*, 777 S.W.2d 83, 88 (Tex. Crim. App. 1989).

**WAIVER OF RIGHT TO COUNSEL**

The Court has advised me of my right to representation by counsel in the charges pending against me. The Court further advised me that if I were unable to afford counsel, an attorney would be appointed for me free of charge. Understanding my right to have counsel appointed for

***INMATE GRIEVANCE BOARD***

**GRIEVANCE RECEIPT**

**TO: INMATE CALLICOTT JASON C**

**SPN# 1401470**

**Cell Block: 3E2B010**

**This is your notification, as required by the Texas Commission on Jail Standards that your grievance was received on 3/30/2020 and filed as grievance # 32245  
This grievance is in reference to INMATE SERVICES DIVISION**

**At this time, your grievance is under investigation.  
Please do not file any further grievances in reference to  
this matter.**

**Grievance Board Member BDSHELTON**

**3/30/2020**

*EXHIBIT "B"*



## SUBPOENA

CAUSE NO. 1598138  
1000724

THE STATE OF TEXAS

IN THE 174 DISTRICT COURT

vs.

COUNTY CRIMINAL COURT  
AT LAW NO. \_\_\_\_\_JASON COBBY CALICOTT

OF HARRIS COUNTY, TEXAS

TO ANY PEACE OFFICER OF HARRIS COUNTY OR OTHER PERSON AUTHORIZED TO SERVE THIS PROCESS IN ACCORDANCE WITH ART. 24.01(b) C.C.P. - GREETINGS:

Name Of Person Other Than A Peace Officer To Execute Summons:

## YOU ARE HEREBY COMMANDED TO SUMMON

PR. LEXMAN SUMMIT 1200 BAKER ST. Houston, TEXAS  
SHERIFF Col. Graciles 1200 BAKER ST Houston, TEXAS  
ALICE REBECCA LENDING 1200 BAKER ST Houston, TEXAS  
ALL MEDICAL RECORDS FOR JASON CALICOTT S/A # 14161470  
(HIPAA AUTHORIZATION ATTACHED)

if to be found in your County, to be and appear before the above designated court in and for Harris County, on 5/26/20 at 8:45 a.m., to give evidence in behalf of the State and Defendant in the above styled cause, and there to remain from day to day, and from term to term until discharged by the Court. Disobedience of this subpoena may result in confinement in the Harris County Jail and a fine.

WITNESS my official signature on 5/12/2020Upon receipt contact DEFENSE using the information listed below:MARILYN BURGESS, District Clerk  
Harris County, TexasNAME: JASON CALICOTT #14161470ADDRESS: 1200 BAKER ST Houston, TEXAS

BAR#: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

Deputy \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

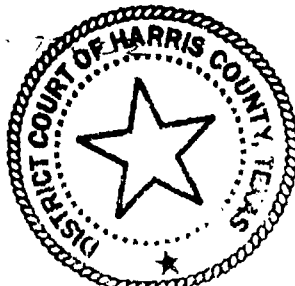
By [Signature]

EXhibit 11 of 2 p. 2 of 4

SHERIFF'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ and executed by  
summoning the within named witness \_\_\_\_\_ in person, in the County of Harris, at the  
dates as herein stated,:

Date of Service	Name	Miles	Direction	Fee For Service	Fee For Mileage	Total Fee
TOTAL FEE...						

and not executed as to witness \_\_\_\_\_  
the diligence used in finding said witness \_\_\_\_\_ being \_\_\_\_\_

and who after due search and diligent inquiry, cannot be found in Harris County, Texas.

Sheriff of Harris County, Texas

By \_\_\_\_\_, Deputy

1598938

Cause No. 1606724

The State of Texas

v.

JASON POLLEY CALLICOTT

a/k/a

In the 11<sup>th</sup> District Court of Harris, County Texas

**APPLICATION FOR SUBPOENA**

The defendant makes this application for issuance of subpoena to the person(s) listed below. The testimony of this / these person(s) is believed to be material to the defense in the case on trial.

DR. LANTANA FLORES 1200 BAKER ST. HOUSTON, TEXAS 77002

SHERIFF ELLI (ROBERTS) 1200 BAKER ST. HOUSTON, TEXAS 77002

ALSO REBECCA LEANING 1200 BAKER ST. HOUSTON, TEXAS 77002

ALL medical records FOR JASON CALLICOTT SIN # 6144110

(HIPAA AUTHORIZATION ATTACHED)

Return on 5/26/20 at 8:45 a.m.

Contact the DEFENSE ~~attorney~~ <sup>pro se</sup> upon receipt using the following information:

Name: JASON POLLEY CALLICOTT # 6144110  
Texas Bar Card #:   
Address: 1200 BAKER ST. HOUSTON, TEXAS 77002  
Telephone #:   
Fax #:   
E-mail address:

Exhibit "D" pg. 1 of 4

# HIPAA AUTHORIZATION

## STATEMENT OF INTENT

I, James Calliey <sup>SR # C140147</sup> (Name), understand that the Health Insurance Portability and Accountability Act ("HIPAA") limits who can see my protected medical information. I intend for any agent named in this release to be treated as I would be treated with respect to my rights regarding the use and disclosure of my individually identifiable health information and other medical records. This release applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. 1320d and 45 C.F.R. 160-164. I am executing this authorization because there may be certain healthcare information that is necessary for my medical providers to share with my agent under my healthcare power of attorney or with my partner if I am incapacitated.

## AUTHORIZATION

I, James Calliey <sup>SR # C140147</sup> (Name), authorize the disclosure of any information governed by HIPAA to be provided to the authorized person identified below:

Name: CLAUDE R. MARKHAM

Address: 405 ELLIOTT ST. H 335 Spring TX

Telephone: 281 667 7112 77305

JAMES CALLIEY <sup>#C140147</sup>  
 405 ELLIOTT ST  
 HOUSTON, TX 77002

Accordingly, I hereby authorize any physician, health-care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy or other covered health-care provider, any insurance company, any medical information bureau, or other health-care clearinghouse that has provided treatment or services to me, or that has paid for or is seeking payment from me for such services, to give, disclose and release to the above-referenced authorized person without restriction, all of my individually identifiable health information and medical records regarding any past, present, or future medical or mental health condition of any kind, including all information relating to the diagnosis and treatment of extremely personal/highly sensitive conditions including but not limited to HIV/AIDS, sexually transmitted diseases, mental illness, or substance abuse.

The authority given to the authorized person shall supersede any prior agreement that I may have made with my healthcare providers to restrict access to or disclosure of my individually identifiable health information. I understand that the individually identifiable health information and other medical records given, disclosed, or released to the person named above may be subject to redisclosure and may no longer be fully protected by HIPAA. The authority given herein expires only if I revoke this HIPAA Release in writing and deliver it to my healthcare provider. There are no exceptions to my right to revoke this HIPAA Release. This authorization is not affected by my subsequent incapacity or disability.

James Calliey  
 Signature

Printed Name: James Calliey SR # C140147

5/12/20  
 Date Signed

Witnessed by: \_\_\_\_\_

Exhibit "D" ps. 4 of 4

***INMATE GRIEVANCE BOARD***

**GRIEVANCE RECEIPT**

**TO: INMATE CALLICOTT JASON C**

**SPN# 1401470**

**Cell Block: 3E2B010**

**This is your notification, as required by the Texas Commission on Jail Standards  
that your grievance was received on 4/7/2020 and filed as grievance # 32473  
This grievance is in reference to ADMIN SERVICES DIVISION**

**At this time, your grievance is under investigation.  
Please do not file any further grievances in reference to  
this matter.**

**Grievance Board Member KPWHITE**

**4/7/2020**

EXHIBIT "R"

A handwritten signature in black ink, appearing to be "N. B. White", is located in the bottom right corner of the page.



1598938  
Cause No. 1606724

The State of Texas

v.

JASON COLBY CALLICOTT  
a/k/a \_\_\_\_\_

In the 174<sup>th</sup> District Court of Harris, County Texas

**APPLICATION FOR SUBPOENA**

The defendant makes this application for issuance of subpoena to the person(s) listed below. The testimony of this / these person(s) is believed to be material to the defense in the case on trial.

(DR. LAXMAN SUNDAR) 1200 BAKER ST. HO  
MEDICAL RECORDS FROM HARRIS COUNTY JAIL 77  
FOR JASON CALLICOTT SPN # 01401470

SPECIFICALLY records pertaining to Hepatitis C  
and High Blood Pressure

Return on \_\_\_\_\_ at 8:45 a.m.

Contact the DEFENSE attorney upon receipt using the following information:

Name: JASON CALLICOTT # 01401470  
Texas Bar Card #: \_\_\_\_\_  
Address: 1200 BAKER ST HOUSTON TX 77002  
Telephone #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

EXhibit "D" pg. 1 of 3



SUBPOENA

CAUSE NO.

1598938  
1606724

THE STATE OF TEXAS

IN THE 174 DISTRICT COURT

vs.

COUNTY CRIMINAL COURT

AT LAW NO. \_\_\_\_\_

JASON COLBY CALLICOTT

OF HARRIS COUNTY, TEXAS

TO ANY PEACE OFFICER OF \_\_\_\_\_ COUNTY OR OTHER PERSON AUTHORIZED TO SERVE THIS PROCESS IN  
ACCORDANCE WITH ART. 24.01(b) C.C.P. - GREETINGS:

Name Of Person Other Than A Peace Officer To Execute Summons: \_\_\_\_\_

YOU ARE HEREBY COMMANDED TO SUMMON DR. LERMAN SUNDAR

1200 BAKER ST.

HOUSTON TEXAS

77002

ALL medical Records For Jason Callcott ssn #  
01401470

if to be found in your County, to be and appear before the above designated court in and for Harris County, on \_\_\_\_\_ at 8:45 a.m., to give evidence in behalf of the State and Defendant in the above styled cause, and there to remain from day to day, and from term to term until discharged by the Court. Disobedience of this subpoena may result in confinement in the Harris County Jail and a fine.

WITNESS my official signature on 4/29/2020

Upon receipt contact DEFENSE/STATE using  
the information listed below.

MARILYN BURGESS, District Clerk  
Harris County, Texas

NAME: JASON CALLICOTT #01401470

ADDRESS: 1200 BAKER ST. HOUSTON, TX.


BAR#: \_\_\_\_\_ 77002

TELEPHONE NUMBER: \_\_\_\_\_

By, \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_



Deputy

EXhibit "D" ps. 2083



**HARRIS COUNTY SHERIFF'S OFFICE JAIL**

Name: JASON CALLEOT

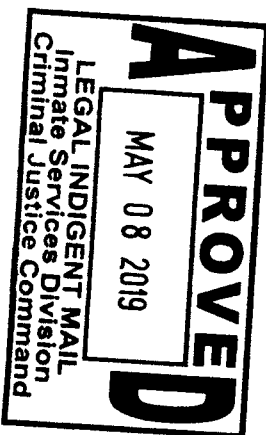
SPN: 0140147D Cell: 3E2B

Street 1200 BAKER STREET

HOUSTON, TEXAS 77002



**INDIGENT**



U.S. POSTAGE PITNEY BOWES  
ZIP 77002 \$001.60  
02 4M  
0000368784 MAY 14 2020

U.S. DISTRICT CLERK

Southern District Texas

Houston Division

P.O. Box 61010

Houston, Texas

77208